

110TH CONGRESS
1ST SESSION

H. R. 934

To amend section 218 of the Immigration and Nationality Act to modify the method of calculating the wages to be paid to H-2A workers.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2007

Mr. LINCOLN DAVIS of Tennessee (for himself and Mr. BUTTERFIELD) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend section 218 of the Immigration and Nationality Act to modify the method of calculating the wages to be paid to H-2A workers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CALCULATION OF WAGES FOR H-2A WORKERS.**

4 Section 218(a) of the Immigration and Nationality
5 Act (8 U.S.C. 1188(a)) is amended—

6 (1) by redesignating paragraph (2) as para-
7 graph (3); and

8 (2) by inserting after paragraph (1) the fol-
9 lowing:

1 “(2)(A) The requirement in paragraph (1)(B) with
2 respect to wages shall be considered to be satisfied if the
3 alien will be paid not less than the greater of—

4 “(i) the applicable State minimum wage;
5 or

6 “(ii) the prevailing wage level for the agri-
7 cultural occupational classification in the county
8 (or similar geographical area) of intended em-
9 ployment.

10 “(B) The wage levels under subparagraph (A) shall
11 be calculated based on the best information available at
12 the time of the filing of the application.

13 “(C) For purposes of subparagraph (A)(ii), the pre-
14 vailing wage level shall be determined as follows:

15 “(i) If the job opportunity is covered by a col-
16 lective bargaining agreement between a union and
17 the employer, the prevailing wage shall be the wage
18 rate set forth in the collective bargaining agreement.

19 “(ii)(I) If the job opportunity is not covered by
20 such an agreement, the prevailing wage level shall be
21 based on entry level, farm establishment data and
22 methodology to be established by the Bureau of
23 Labor Statistics.

24 “(II) In lieu of subclause (I), an employer may
25 rely on other wage information, including a level-one

1 wage in an agricultural standard occupational classi-
2 fication in the county (or similar geographical area)
3 of intended employment from an occupational em-
4 ployment or other survey provided by the Bureau of
5 Labor Statistics.”.

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